

Urban and Rural Planning Law of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of strengthening the administration of urban and rural planning, coordinating the spatial layout of urban and rural areas, improving the living environment, and promoting the comprehensive, coordinated, and sustainable development of the urban and rural economy and society.

Article 2 — Activities involving the formulation, implementation, and revision of urban and rural plans and construction activities within planned areas shall be governed by this Law.

For the purposes of this Law, "urban and rural plans" include urban hierarchical plans, urban master plans, town plans, township plans, and village plans. Urban plans and town plans are divided into master plans and detailed plans. Detailed plans are divided into regulatory plans and site plans.

"Planned areas" referred to in this Law mean built-up urban and town areas and areas where urban and town construction must be controlled as determined by the need for urban and town development.

Article 3 — Cities and towns shall formulate urban plans and town plans in accordance with this Law. Construction within planned urban or town areas shall comply with the requirements of the planning.

People's governments at or above the county level shall determine the areas where township plans and village plans shall be formulated. Townships and villages within such areas shall formulate plans in accordance with this Law. Construction within planned township or village areas shall comply with the requirements of the planning.

Article 4 — Urban and rural plans shall be formulated and implemented in accordance with the principles of overall planning of urban and rural areas, reasonable layout, land conservation, intensive development, and planning before construction, so as to improve the ecological environment, promote the conservation and comprehensive utilization of resources and energy, protect natural and cultural heritage such as farmland, maintain local characteristics, ethnic characteristics, and traditional features, prevent pollution and other public hazards, and meet the requirements of regional population development, national defense construction, disaster prevention and reduction, and public health and public safety needs.

Article 5 — The formulation of urban master plans, town master plans, township plans, and village plans shall be based on the national economic and social development plans and shall be coordinated with the overall land use plan.

Article 6 — People's governments at all levels shall incorporate the funds for the formulation and administration of urban and rural plans into their fiscal budgets at the corresponding levels.

Article 7 — Urban and rural plans that have been approved in accordance with the law shall serve as the basis for urban and rural construction and planning administration and shall not be modified without going through legal procedures.

Article 8 — The formulation, implementation, and revision of urban and rural plans shall comply with the provisions of relevant laws and regulations on the disclosure of government information.

Article 9 — All entities and individuals shall abide by urban and rural plans that have been approved and published in accordance with the law, and shall have the right to inquire of the competent department of urban and rural planning about whether construction activities involving their interests comply with the requirements of the planning.

All entities and individuals shall have the right to report or file complaints with the competent department of urban and rural planning or other relevant departments about acts that violate urban and rural plans. The competent department of urban and rural planning or other relevant departments shall promptly accept and organize investigations and verifications of such reports or complaints.

Chapter II — Formulation of Urban and Rural Plans

Article 10 — The competent department of urban and rural planning under the State Council shall be responsible for the administration of urban and rural planning nationwide.

The competent departments of urban and rural planning of local people's governments at or above the county level shall be responsible for the administration of urban and rural planning within their respective

administrative regions.

The people's governments of townships and towns shall be responsible for the administration of planning within their respective administrative regions.

Article 11 — The competent department of urban and rural planning under the State Council shall organize the formulation of the national urban hierarchical plan, which shall be submitted to the State Council for examination and approval.

Article 12 — The people's governments of provinces and autonomous regions shall organize the formulation of provincial urban hierarchical plans and submit them to the State Council for examination and approval.

Article 13 — The people's governments of cities shall organize the formulation of urban master plans.

The urban master plans of municipalities directly under the Central Government shall be submitted by the people's governments of the municipalities directly under the Central Government to the State Council for examination and approval. The urban master plans of cities where the people's governments of provinces or autonomous regions are located and of cities designated by the State Council shall be submitted to the State Council for examination and approval after being examined and approved by the people's governments of the provinces or autonomous regions.

Article 14 — The people's governments of cities and counties shall organize the formulation of regulatory detailed plans for urban and town areas.

Article 15 — The people's governments of cities and counties shall organize the formulation of site plans for important plots of land.

Article 16 — The people's governments of towns and townships shall organize the formulation of town master plans, township plans, and village plans.

Article 17 — The content of urban master plans and town master plans shall include: the development layout of cities and towns, functional zoning, land use layout, comprehensive transportation system, prohibited construction zones, restricted construction zones, suitable construction zones, various types of special plans, etc.

Article 18 — The content of township plans and village plans shall include: the scope of the planned area, the layout of production, living, and service facilities such as residential housing, roads, water supply, drainage, power supply, garbage collection, livestock and poultry farms, the provision of land for various types of construction, and requirements for construction such as plot ratio and building density.

Chapter III — Implementation of Urban and Rural Plans

Article 19 — The construction and development of cities and towns shall give priority to the construction of infrastructure and public service facilities, properly handle the relationship between the development of new areas and the renovation of old areas, and make overall plans for the resettlement and living needs of migrant workers from rural areas entering cities and towns and the development of surrounding rural areas, villages, and towns.

Article 20 — The development and construction of new urban areas shall determine the construction scale and schedule in a reasonable manner, make full use of existing municipal infrastructure and public service facilities, strictly protect natural resources and the ecological environment, and reflect local characteristics.

Article 21 — The renovation of old urban areas shall protect historical and cultural heritage and traditional features, reasonably determine the demolition and construction scale, and carry out the renovation of shantytowns, dilapidated buildings, and areas with backward infrastructure in a planned manner.

Article 22 — The planning and construction of townships, towns, and villages shall be adapted to local conditions, conserve land, bring into play the role of villagers' autonomous organizations, and guide villagers in the rational construction of housing, improvement of rural infrastructure and public service facilities such as roads, water supply, drainage, power supply, and garbage collection, and change the appearance of villages.

Article 23 — Where the allocation of state-owned land use rights by means of allocation is required for a construction project, the construction entity shall submit an application to the competent department of urban and rural planning of the city or county people's government for a site selection opinion letter for the construction project before submitting the relevant documents to the relevant department for approval or filing.

Article 24 — Where the allocation of state-owned land use rights by means of allocation is not required for a construction project within a planned urban or town area, the construction entity shall obtain a planning permit for the construction land before applying for the land use approval.

Article 25 — Where a construction project is to be undertaken on state-owned land within a planned urban or town area, the construction entity or individual shall apply to the competent department of urban and rural planning of the city or county people's government for a construction project planning permit.

Article 26 — The construction of residences by villagers in township or village planned areas shall comply with the requirements of the township plan or village plan, and the construction entity or individual shall apply to the people's government of the township or town for a rural construction planning permit.

Article 27 — The competent departments of urban and rural planning of local people's governments at or above the county level shall strengthen the verification of construction projects in accordance with the provisions of the State Council. No construction project may commence use without verification and approval by the competent department of urban and rural planning or without passing verification.

Chapter IV — Revision of Urban and Rural Plans

Article 28 — The revision of an urban master plan or town master plan shall be reported to the original examination and approval authority for approval. A feasibility study report on the revision shall be submitted before the revision.

Article 29 — The revision of a regulatory detailed plan shall be reported to the people's government at the corresponding level for approval. Prior to the revision, the necessity of the revision shall be demonstrated at the original examination and approval authority.

Article 30 — The revision of a township plan or village plan shall be reported to the people's government at the next higher level for examination and approval.

Chapter V — Supervision and Inspection

Article 31 — People's governments at or above the county level and their competent departments of urban and rural planning shall strengthen the supervision and inspection of the formulation, examination, approval, implementation, and revision of urban and rural plans.

Article 32 — Local people's governments at all levels shall report to the standing committees of the people's congresses at the corresponding levels or to the people's congresses of townships and towns on the implementation of urban and rural plans and accept supervision.

Article 33 — The competent departments of urban and rural planning of local people's governments at or above the county level shall have the right to take the following measures against acts violating this Law:

- (1) Requiring relevant entities and individuals to provide documents and materials related to the supervisory matters;
- (2) Requiring relevant entities and individuals to explain issues related to the supervisory matters;
- (3) Entering the construction site to conduct inspections;
- (4) Ordering relevant entities and individuals to cease acts violating this Law.

Article 34 — The results of the supervision and inspection of urban and rural plans shall be made public in accordance with the law for public inspection and supervision.

Chapter VI — Legal Liability

Article 35 — Where a people's government at any level or its relevant department, in violation of the provisions of this Law, commits any of the following acts, the people's government at a higher level or the relevant department of the people's government at the same level shall order it to make corrections and circulate a notice of criticism; the directly responsible person in charge and other directly responsible persons shall be given sanctions in accordance with the law:

- (1) Failing to organize the formulation of urban hierarchical plans, urban master plans, town master plans, township plans, or village plans in accordance with the law;
- (2) Approving urban or rural plans beyond their authority or in violation of legal procedures;
- (3) Approving revisions of urban or rural plans beyond their authority or in violation of legal procedures.

Article 36 — Where a competent department of urban and rural planning, in violation of the provisions of this Law, issues a site selection opinion letter for a construction project, a planning permit for construction land, a construction project planning permit, or a rural construction planning permit, the people's government at the corresponding level or the competent department of urban and rural planning at a higher level shall order the revocation of such permit; the directly responsible person in charge and other directly responsible persons shall be given sanctions in accordance with the law.

Article 37 — Where a construction entity commits any of the following acts, the competent department of urban and rural planning of the local people's government at or above the county level shall order the entity to demolish the construction within a specified period; if the entity fails to demolish the construction within the specified period, the people's government at the same level may organize the demolition of the construction:

- (1) Constructing without obtaining a construction project planning permit or failing to construct in accordance with the provisions of the construction project planning permit;
- (2) Constructing without obtaining a rural construction planning permit or failing to construct in accordance with the provisions of the rural construction planning permit.

Article 38 — Where a construction entity fails to report for verification within the time limit stipulated in Article 27 of this Law after the completion of a construction project, the competent department of urban and rural planning shall order the entity to make corrections and may impose a fine.

Chapter VII — Supplementary Provisions

Article 39 — This Law shall not apply to the formulation and implementation of urban and rural plans within the administrative regions of the Hong Kong Special Administrative Region and the Macao Special Administrative Region.

Article 40 — This Law shall come into force on January 1, 2008. The Urban Planning Law of the People's Republic of China adopted on December 26, 1989 shall be repealed simultaneously.

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